

Remarks

Applicants have amended the claims to expedite prosecution of a preferred embodiment. Specifically, claim 1 has been amended to include the subject matter of claim 2. Accordingly, no new matter has been added by the amendment and its entry is respectfully requested. To comply with the amendment, Applicants have cancelled claim 2 and amended dependency of claim 3.

Applicants now turn to the specific rejections.

The Examiner rejected claims 1-12, 15-20 and 46 as allegedly not complying with 35 U.S.C. §112, first paragraph, written description requirement. Specifically, the Examiner alleged that “a single species of HCIC resin such as MEP-HyperCel and a single species of organic solvent such as propylene glycol (at concentration of 25 and 50%) used in the claimed method (Examples 1-4, 8 and 9) do not provide sufficient written description for the genus of variants for HCIC resins or organic solvents, when there is substantial variation in the whole genus.” The Examiner rebutted the evidence that Applicants provided about the well known qualities and uses of HCIC resins and contended that the example shown in the specification using one type of HCIC resin, namely MEP-HyperCel, would not be sufficient to support a claim to HCIC resins in general.

Applicants respectfully disagree and request reconsideration of the rejection for the following reasons.

Applicants have amended claim 1 to a preferred embodiment, namely one that uses an HCIC resin comprising a mercapto-ethyl pyridine (MEP) ligand. As explained in the specification in the paragraph bridging pages 4 and 5, and 10 and 11,

“at neutral pH, hydrophobic capture occurs in HCIC resin by both an aliphatic-hydrophobic spacer and a neutral (uncharged) pyridine ring. In contrast to HI chromatography, adsorption of antibodies from cell culture supernatants on HCIC resin is accomplished without the need of any pH or ionic strength adjustment.”

Accordingly, Applicants respectfully submit that the description clearly sets forth to a skilled artisan that any HCIC resin with MEP ligand can be used in the methods of the invention. The Examples provide proof of concept of an HCIC resin with MEP ligand by demonstrating a

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use of a one such resin but any one skilled in the art would clearly be able to apply the method of the invention to any HCIC resin with MEP ligand. Thus, Applicants respectfully submit that any HCIC resin containing MEP, has been shown to be suitable for the methods of the invention.

In view of the above, Applicants respectfully submit that the claims fully comply with 35 U.S.C. §112, first paragraph, written description requirement.

In view of the foregoing, Applicants respectfully submit that all claims are in condition for allowance. At minimum the amendments to the claims should reduce issues on Appeal. Early and favorable action is requested.

In the event that any additional fees are required, the Commissioner is hereby is authorized to charge our deposit account No. 50-0850. Any overpayments should also be deposited to said account.

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Respectfully submitted,

Customer No.: 50828

/Leena H. Karttunen/

David S. Resnick (Reg. No. 34,235)

Leena H. Karttunen (Reg. No. 60,335)

Nixon Peabody LLP

(617) 345-6057 / 1367